

U.S. Appl. No. 09/911,186
Reply to Office Action dated July 3, 2006

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PATENT
450100-03320

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejection of the application are respectfully requested in view of the remarks herewith. The present remarks are being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-29 are pending. Claims 1, 11 and 20 are independent. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-4, 6, 7, 11-14, 16, 17, 20, 22, 23, 25 and 26 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,642,153 to Chaney, et al. (hereinafter, merely "Chaney") in view of U.S. Patent No. 6,481,010 to Nishikawa, et al. (hereinafter, merely "Nishikawa") and further in view of U.S. Patent No. 6,728,714 to Doganata, et al. (hereinafter, merely "Doganata").

Claims 5, 8, 15, 18, 24 and 27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chaney in view of Nishikawa and Doganata and further in view of U.S. Patent No. 6,598,226 to Sorensen, (hereinafter, merely "Sorensen").

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Claims 9 and 28 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chaney in view of Nishikawa, Doganata and Sorensen and further in view of U.S. Patent No. 6,075,570 to Usui, et al. (hereinafter, merely "Usui").

Claim 21 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chaney in view of Nishikawa and Doganata and further in view of U.S. Patent No. 6,470,497 to Ellis, et al. (hereinafter, merely "Ellis").

Claims 10, 19 and 29 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chaney in view of Nishikawa and Doganata and further in view of U.S. Patent No. 5,563,648 to Menand, et al. (hereinafter, merely "Menand").

Nishikawa is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. §103(c). Under the provisions of 35 U.S.C. §103(c), subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

Nishikawa and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony Corporation. Such obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office.

Accordingly, Nishikawa is disqualified as prior art in a rejection under 35 U.S.C. §103(a); and thus all of the outstanding rejections based upon Nishikawa in the above-noted Office Action are overcome.

Therefore, Applicants respectfully submit that claims 1-29 are patentable.

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CONCLUSION

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In view of the foregoing remarks, it is believed that all of the claims in this
application are patentable and Applicants respectfully request early passage to issue of the
present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800